

EXHIBIT 64

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES,) 1:23-cv-00108-LMB-JFA
et al.,)
)
Plaintiffs,)
)
vs.)
)
GOOGLE LLC,)
)
Defendant.)

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VIDEOTAPED DEPOSITION OF

COLONEL LENNOX MORRIS

September 1, 2023

9:06 a.m.

Job No. CS6074135

Reported by: Bonnie L. Russo

Veritext Legal Solutions

800-567-8658

973-410-4098

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<p>1 Videotaped Deposition of Colonel Lennox Morris</p> <p>2 held at:</p> <p>3</p> <p>4</p> <p>5</p> <p>6 Paul Weiss Rifkind Wharton & Garrison, LLP</p> <p>7 2001 K Street, N.W.</p> <p>8 Washington, D.C.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 Pursuant to Notice, when were present on behalf</p> <p>19 of the respective parties:</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 I N D E X</p> <p>2 EXAMINATION OF COLONEL LENNOX MORRIS PAGE</p> <p>3 BY MS. GOODMAN 8</p> <p>4 293</p> <p>5 BY MR. McBIRNEY 293</p> <p>6</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 Exhibit 63 E-Mail dated 4-25-22 178</p> <p>Attachment</p> <p>10 ARMY-ADS-0000329948-970</p> <p>11 Exhibit 87 E-Mail Chain dated 3-10-22 52</p> <p>Attachment</p> <p>12 ARMY-ADS-0000070535-547</p> <p>13 Exhibit 88 E-Mail dated 10-21-21 98</p> <p>Attachment</p> <p>14 ARMY-ADS-0000177268-490</p> <p>15 Exhibit 89 E-Mail dated 3-15-22 160</p> <p>Attachment</p> <p>16 ARMY-ADS-0000135957-958</p> <p>17 Exhibit 90 E-Mail Chain dated 9-30-22 196</p> <p>Attachment</p> <p>18 ARMY-ADS-0000186428-431</p> <p>19 Exhibit 91 E-Mail dated 9-24-21 207</p> <p>Attachment</p> <p>20 ARMY-ADS-0000179830-831</p> <p>21 Exhibit 92 E-Mail Chain dated 4-11-22 215</p> <p>Attachment</p> <p>22 ARMY-ADS-0000060557-559</p>
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<p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiffs:</p> <p>3 JIMMY McBIRNEY, ESQUIRE</p> <p>4 CHASE PRITCHETT, ESQUIRE</p> <p>5 ALVIN CHU, ESQUIRE</p> <p>6 KATHERINE E. CLEMONS, ESQUIRE (Via Remote)</p> <p>7 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>8 450 Fifth Street, N.W., Suite 700</p> <p>9 Washington, D.C. 20530</p> <p>10 jimmy.mcbirney@usdoj.gov</p> <p>11 chase.pritchett@usdoj.gov</p> <p>12 alvin.chu@usdoj.gov</p> <p>13 katherine.clemons@usdoj.gov</p> <p>14 On behalf of the Defendant:</p> <p>15 MARTHA L. GOODMAN, ESQUIRE</p> <p>16 LEAH HIBBLER, ESQUIRE</p> <p>17 PAUL, WEISS, RIFKIND,</p> <p>18 WHARTON & GARRISON, LLP</p> <p>19 2001 K Street, N.W.</p> <p>20 Washington, D.C. 20006</p> <p>21 mgoodman@paulweiss.com</p> <p>22 lhibbler@paulweiss.com</p> <p>Also Present:</p> <p>Orson Braithwaite, Videographer</p> <p>Mohamed Al-Darsani, United States Army</p>	<p>1 EXHIBITS (CONTINUED):</p> <p>2 Exhibit 93 E-Mail Chain dated 4-11-22 218</p> <p>3 ARMY-ADS-0000155603-604</p> <p>4 Exhibit 94 E-Mail Chain dated 9-27-21 224</p> <p>5 Attachment</p> <p>6 ARMY-ADS-0000071884-947</p> <p>7 Exhibit 95 E-Mail dated 12-13-22 229</p> <p>8 ARMY-ADS-0000126052</p> <p>9 Exhibit 96 E-Mail Chain dated 11-30-21 248</p> <p>10 Attachment</p> <p>11 ARMY-ADS-0000176297-415</p> <p>12 Exhibit 97 Budget Order Accepted 264</p> <p>13 OMD_000422</p> <p>14 Exhibit 98 Handwritten Notes 295</p> <p>15 (RETAINED BY WITNESS)</p> <p>16 (TO BE ATTACHED)</p> <p>17 Exhibit 99 Solicitation, Offer 308</p> <p>18 and Award</p> <p>19 1-3-17</p> <p>20 ARMY-ADS-0000245462-462_134</p> <p>21 PREVIOUSLY MARKED EXHIBITS:</p> <p>22 Exhibit 63 E-Mail dated 4-25-22</p> <p>Attachment</p> <p>ARMY-ADS-0000329948-970</p> <p>Exhibit 64 E-Mail dated 3-3-22</p> <p>Attachment</p> <p>ARMY-ADS-0000187047-077</p> <p>(Exhibits bound separately.)</p>

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<p>1 training. It's extensive. It included a lot.</p> <p>2 Q. Does that sound like something that</p> <p>3 you know?</p> <p>4 A. Can you repeat it.</p> <p>5 Q. That a COR is not -- does not have</p> <p>6 the authority to make any agreement with the</p> <p>7 contractor that obligates public funds?</p> <p>8 A. That sounds familiar, but I would</p> <p>9 have to look at the training to be for sure.</p> <p>10 Q. And did you learn in your training</p> <p>11 that CORs do not have the authority to make</p> <p>12 commitments that affect the price, quality,</p> <p>13 quantity, delivery or any other term or</p> <p>14 condition of the contract?</p> <p>15 A. I would have to review the training,</p> <p>16 ma'am, to be specific on that.</p> <p>17 Q. So earlier you testified that the KO</p> <p>18 is the only entity authorized to obligate the</p> <p>19 government or make any modifications or changes</p> <p>20 to the contract.</p> <p>21 Do you recall that testimony?</p> <p>22 A. That was my previous statement.</p>	<p>1 reviewing the training.</p> <p>2 Q. And do you recall learning that a</p> <p>3 COR cannot grant any deviations or waivers of</p> <p>4 contract terms and conditions even</p> <p>5 inadvertently?</p> <p>6 MR. McBIRNEY: Object to form.</p> <p>7 THE WITNESS: Again, I would have to</p> <p>8 see the training to be able to quote it to you</p> <p>9 exactly.</p> <p>10 BY MS. GOODMAN:</p> <p>11 Q. I am just asking if you remembered</p> <p>12 learning anything like that in your COR</p> <p>13 training?</p> <p>14 A. It sounds familiar, but I can't be</p> <p>15 sure.</p> <p>16 Q. Okay. Are you a COR in your current</p> <p>17 role?</p> <p>18 A. I am not a COR in my current role.</p> <p>19 Q. So going back to your job as the</p> <p>20 branch chief of paid media can you just</p> <p>21 describe for me your responsibilities in terms</p> <p>22 of developing and executing advertising</p>
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<p>1 Q. Okay. And so by virtue of that</p> <p>2 understanding you have as to the fact that the</p> <p>3 contracting officer is the only officer who can</p> <p>4 obligate the United States Government to any</p> <p>5 contract, do you now have any understanding</p> <p>6 whatsoever as to whether you learned in the COR</p> <p>7 training that a COR cannot make any commitment</p> <p>8 that affects the price, quality, quantity,</p> <p>9 delivery or any other term or condition of a</p> <p>10 contract?</p> <p>11 MR. McBIRNEY: Object to the form of</p> <p>12 the question. Also asked and answered.</p> <p>13 THE WITNESS: Again, ma'am, I can't</p> <p>14 speak specifically verbatim to what is listed</p> <p>15 in that COR training.</p> <p>16 MS. GOODMAN:</p> <p>17 Q. Do you recall generally ever</p> <p>18 learning that a COR is not authorized to make</p> <p>19 commitments that affect any terms of a contract</p> <p>20 between a contractor and the United States</p> <p>21 Government?</p> <p>22 A. Again, I can't be certain without</p>	<p>1 campaigns.</p> <p>2 A. As branch chief I am responsible for</p> <p>3 our team's development of requirements that are</p> <p>4 nested within AEMO's objectives and key</p> <p>5 results. We communicate those requirements. I</p> <p>6 think I stated previously the budget to our</p> <p>7 agency in this case, DDB, and that begins a</p> <p>8 process of strategic development for media and</p> <p>9 then tactical development that results in a</p> <p>10 media plan that is approved by the chief of</p> <p>11 marketing.</p> <p>12 Q. When you say that you -- well, is it</p> <p>13 correct that you work on developing the budget</p> <p>14 for paid media?</p> <p>15 A. That's correct that we work on</p> <p>16 developing the budget.</p> <p>17 Q. And tell me more about how you</p> <p>18 develop a budget before providing it to the ad</p> <p>19 agency?</p> <p>20 MR. McBIRNEY: Objection.</p> <p>21 Foundation.</p> <p>22 THE WITNESS: Primarily our budget</p>

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<p style="text-align: right;">Page 66</p> <p>1 development process incorporates an</p> <p>2 understanding of the objectives we want to</p> <p>3 achieve, in this case a number of leads and</p> <p>4 contracts, combined with a historical analysis</p> <p>5 of performance in terms of our previous cost</p> <p>6 per contract or lead that will help to identify</p> <p>7 a budget requirement, and then that budget</p> <p>8 requirement is put against the overall budget</p> <p>9 available for AEMO to which we have an</p> <p>10 allocation.</p> <p>11 BY MS. GOODMAN:</p> <p>12 Q. So when you come up with a budget</p> <p>13 for paid media do you break it down by channel</p> <p>14 before providing it to the ad agency?</p> <p>15 A. The budget that we provide does not</p> <p>16 include a breakdown of by channel allocation.</p> <p>17 Q. And is the budget that you provide</p> <p>18 to the ad agency also reflected in a task order</p> <p>19 for a given year?</p> <p>20 MR. McBIRNEY: Objection.</p> <p>21 Foundation.</p> <p>22 THE WITNESS: It is reflected in the</p>	<p style="text-align: right;">Page 68</p> <p>1 THE WITNESS: That was in terms of</p> <p>2 what -- what, ma'am?</p> <p>3 BY MS. GOODMAN:</p> <p>4 Q. You, as paid media branch chief,</p> <p>5 what did you do with respect to strategic</p> <p>6 development of a paid media plan?</p> <p>7 A. To begin a strategic development</p> <p>8 process, again, the army would provide clear</p> <p>9 requirements in terms of leads and contracts</p> <p>10 that we wanted to achieve that -- we have</p> <p>11 talked about the budget figures that would be</p> <p>12 provided, and we also might provide some</p> <p>13 additional clarifying details in terms of</p> <p>14 perhaps efficiency or other key items. That</p> <p>15 would then begin the agency's team -- DDB,</p> <p>16 their strategic development, would which was an</p> <p>17 iterative process with our team, at the</p> <p>18 conclusion of which a strategy would be</p> <p>19 presented to AEMO.</p> <p>20 Q. When you said that you might also</p> <p>21 provide additional clarifying details in terms</p> <p>22 of perhaps efficiency or other key items can</p>
<p style="text-align: right;">Page 67</p> <p>1 task order award amount.</p> <p>2 BY MS. GOODMAN:</p> <p>3 Q. And in the task order award amount</p> <p>4 it sets a total ceiling for the amount of money</p> <p>5 to be spent on paid media; is that accurate?</p> <p>6 MR. McBIRNEY: Objection.</p> <p>7 Foundation.</p> <p>8 THE WITNESS: That task order award</p> <p>9 amount provides an initial budget amount for</p> <p>10 that period of performance.</p> <p>11 BY MS. GOODMAN:</p> <p>12 Q. And if the budget were to change</p> <p>13 there would need to be a new task order; is</p> <p>14 that accurate?</p> <p>15 A. There would not need to be a new</p> <p>16 task order. A task order modification would be</p> <p>17 required.</p> <p>18 Q. Okay. You said then you would get</p> <p>19 involved in the strategic development of a</p> <p>20 marketing plan is that -- am I remembering that</p> <p>21 correctly?</p> <p>22 MR. McBIRNEY: Objection. Vague.</p>	<p style="text-align: right;">Page 69</p> <p>1 you elaborate, please.</p> <p>2 A. Throughout my time as the branch</p> <p>3 chief of paid media the requirements of the</p> <p>4 army have continued to change. Initially the</p> <p>5 requirement of the army was related to a</p> <p>6 quantity of leads only, a quantity of</p> <p>7 contracts. That evolved into a quality of</p> <p>8 leads that was required. Metrics such as that</p> <p>9 would have been provided to the agency in terms</p> <p>10 of a number of not only pure quantity or raw</p> <p>11 quantity, but also quality of leads by type.</p> <p>12 Q. And what are the quality of leads by</p> <p>13 type metrics more specifically to which you are</p> <p>14 referring?</p> <p>15 A. I can't speak specifically to the</p> <p>16 exact terminology that was used. However, our</p> <p>17 data team has identified multiple levels of</p> <p>18 quality for leads that would identify if a lead</p> <p>19 meets citizenship or medical tattoo standards,</p> <p>20 et cetera, and we communicate a quantity by</p> <p>21 priority that we would like to achieve.</p> <p>22 Q. And in the course of developing a</p>

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<p>1 strategic marketing plan did the army direct</p> <p>2 the contractor to use any particular vendor of</p> <p>3 advertising services?</p> <p>4 MR. McBIRNEY: Objection.</p> <p>5 Foundation.</p> <p>6 THE WITNESS: To my knowledge, the</p> <p>7 army has not specified a particular vendor or</p> <p>8 ad platform that has to be used.</p> <p>9 BY MS. GOODMAN:</p> <p>10 Q. You have never specified to the ad</p> <p>11 agency any particular vendor or platform that</p> <p>12 had to be used; is that accurate?</p> <p>13 A. I don't believe that I have</p> <p>14 specifically have specified a vendor that has</p> <p>15 to be used.</p> <p>16 Q. Okay. You also mentioned that part</p> <p>17 of your responsibilities included developing a</p> <p>18 tactical media plan. Am I remembering that</p> <p>19 correctly?</p> <p>20 A. Yes, ma'am. My responsibilities</p> <p>21 include the tactical media plan.</p> <p>22 Q. What is the difference between the</p>	<p>1 A. In general, our marketing funnel</p> <p>2 includes an upper, mid and lower level. The</p> <p>3 lower level generally encompassing our overall</p> <p>4 goal which is leads and contracts.</p> <p>5 The top generally starts with</p> <p>6 impressions or how our audience will encounter</p> <p>7 army advertisements.</p> <p>8 The midlevel tends to drive toward</p> <p>9 number -- the number of visits to our website,</p> <p>10 and, then, again, the lower level would be</p> <p>11 tactics that will assist in lead generation.</p> <p>12 Q. And why does AEMO use a marketing</p> <p>13 funnel as you have just described?</p> <p>14 MR. McBIRNEY: Objection.</p> <p>15 Foundation.</p> <p>16 THE WITNESS: The marketing funnel</p> <p>17 helps to illustrate the prospect journey as</p> <p>18 they encounter army marketing.</p> <p>19 BY MS. GOODMAN:</p> <p>20 Q. And is it important for AEMO to</p> <p>21 reach their prospect, their potential prospects</p> <p>22 at various points throughout that marketing</p>
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<p>1 strategic media plan and the tactical media</p> <p>2 plan?</p> <p>3 A. Ostensibly the difference is level</p> <p>4 of detail.</p> <p>5 Q. What do you mean by that?</p> <p>6 A. By that I mean the strategic plan,</p> <p>7 in general, identifies first the army's</p> <p>8 requirement, and then second, an allocation by</p> <p>9 channel of our budget. The tactical plan</p> <p>10 further refines that strategy and goes beyond</p> <p>11 the channel level to specific media partners,</p> <p>12 platforms, vendors.</p> <p>13 Q. Are you aware of the term marketing</p> <p>14 funnel or the concept of a marketing funnel?</p> <p>15 A. I am aware of the term marketing</p> <p>16 funnel.</p> <p>17 Q. Do you use that in the course of</p> <p>18 your work as the paid media branch at AEMO?</p> <p>19 A. We did use the marketing funnel.</p> <p>20 Q. Can you describe for me the</p> <p>21 marketing funnel that the army used as -- while</p> <p>22 you were paid media branch chief?</p>	<p>1 funnel?</p> <p>2 MR. McBIRNEY: Object to foundation.</p> <p>3 THE WITNESS: Can you say that one</p> <p>4 more time, ma'am.</p> <p>5 BY MS. GOODMAN:</p> <p>6 Q. Is it important for AEMO to reach</p> <p>7 their prospects at various points throughout</p> <p>8 the marketing funnel that you described?</p> <p>9 MR. McBIRNEY: Same objection.</p> <p>10 THE WITNESS: It's important for</p> <p>11 AEMO to reach our target audience whether</p> <p>12 prospect or influencers wherever they may be.</p> <p>13 BY MS. GOODMAN:</p> <p>14 Q. What do you mean by that, "wherever</p> <p>15 they may be"?</p> <p>16 A. The audience changes, prospects</p> <p>17 change. Their consumption habits change. What</p> <p>18 may have previously worked may not work in the</p> <p>19 future.</p> <p>20 Q. And so your audience -- when you say</p> <p>21 the audience, what is the army's audience that</p> <p>22 it is trying to reach?</p>

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<p>1 A. It depends.</p> <p>2 Q. What does it depend on?</p> <p>3 A. It depends on the goals and messages</p> <p>4 of the campaign in question.</p> <p>5 Q. Okay. Can you give me an example of</p> <p>6 a particular audience that in the course of</p> <p>7 your work as paid media branch chief you worked</p> <p>8 on trying to reach?</p> <p>9 A. Primary audiences are what we refer</p> <p>10 to as a prospect audience.</p> <p>11 Q. What is a prospect audience?</p> <p>12 A. Prospect audience includes age</p> <p>13 eligible men and women in the United States.</p> <p>14 Q. And when you say "age eligible men</p> <p>15 and women in the United States," are you</p> <p>16 referring to individuals who are eligible to</p> <p>17 serve in the United States Army?</p> <p>18 A. Generally referring to men and women</p> <p>19 who are eligible to serve.</p> <p>20 Q. And this prospect audience, do they</p> <p>21 use multiple different channels?</p> <p>22 MR. McBIRNEY: Object to form.</p>	<p>1 many different things to different people. I</p> <p>2 am asking for what it means to you so we are on</p> <p>3 the same page in this deposition if you are</p> <p>4 referring to digital channels ever.</p> <p>5 A. I would refer to digital means as</p> <p>6 anything like primarily streaming, social,</p> <p>7 display, search, would not include out of home</p> <p>8 or print advertising.</p> <p>9 Q. What about TV?</p> <p>10 A. Depending on the type of television</p> <p>11 you are referring to it could also be included</p> <p>12 in digital.</p> <p>13 Q. What are the types of television?</p> <p>14 A. The two primary types are linear</p> <p>15 television and streaming television.</p> <p>16 Q. What is the difference between</p> <p>17 linear and streaming television, if any?</p> <p>18 A. Linear television primarily refers</p> <p>19 to what would be seen as traditional television</p> <p>20 providers from a platform standpoint, but also</p> <p>21 referring to live TV for the most part. Think</p> <p>22 of providers as Comcast or DirecTV, et cetera,</p>
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<p>1 THE WITNESS: The prospect audience</p> <p>2 uses a variety of channels.</p> <p>3 BY MS. GOODMAN:</p> <p>4 Q. What are some of the channels that</p> <p>5 the prospect audience that the army is trying</p> <p>6 to reach uses?</p> <p>7 A. Prospect audience may use video,</p> <p>8 social media, out of home, digital channels,</p> <p>9 amongst others.</p> <p>10 Q. When you say "digital channels," can</p> <p>11 you be any more specific?</p> <p>12 A. Digital channels can vary in terms</p> <p>13 of definition by who you are asking.</p> <p>14 Obviously, you know, streaming to some extent</p> <p>15 is a digital means, social media is a digital</p> <p>16 platform by -- depending on who you are talking</p> <p>17 about, but also it could be display</p> <p>18 advertising, search advertising.</p> <p>19 Q. So when -- for purposes of today's</p> <p>20 deposition well -- strike that.</p> <p>21 When you refer to digital channels</p> <p>22 what do you mean? Before you said it can mean</p>	<p>1 whereas streaming providers can be your Hulu's</p> <p>2 your HBO Maxes, your Amazons, et cetera,</p> <p>3 Netflix.</p> <p>4 Q. And is it accurate that the prospect</p> <p>5 audience that the army is trying to reach uses</p> <p>6 all forms of these channels that you have</p> <p>7 described?</p> <p>8 A. Prospect uses those forms and other</p> <p>9 forms that I haven't mentioned as well.</p> <p>10 Q. So how do you go about developing a</p> <p>11 media plan that reaches the prospect audience</p> <p>12 across these channels?</p> <p>13 A. The development of that media plan,</p> <p>14 again, it starts with the army's requirement.</p> <p>15 Based on our historical performance we have an</p> <p>16 understanding of where we have been successful</p> <p>17 and success in this case means not only</p> <p>18 quantity by efficiency in delivering leads and</p> <p>19 contracts for the army. Based on that</p> <p>20 historical analysis and data that would allow</p> <p>21 Team DDB to developing a media plan that could</p> <p>22 achieve the requirements of the army.</p>

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<p>1 Q. Do you -- working with DDB does the</p> <p>2 army allocate money in silos across all of the</p> <p>3 channels? In other words, let me think about</p> <p>4 exactly how much to spend on TV, exactly how</p> <p>5 much to spend on radio, exactly how much to</p> <p>6 spend on print?</p> <p>7 MR. McBIRNEY: Object to form.</p> <p>8 Vague and foundation.</p> <p>9 THE WITNESS: The approved tactical</p> <p>10 media plan will be specific as to the</p> <p>11 allocation of funds for each channel and each</p> <p>12 partner.</p> <p>13 BY MS. GOODMAN:</p> <p>14 Q. And are those allocations determined</p> <p>15 comprehensively or holistically or do you</p> <p>16 determine them on an individualized basis?</p> <p>17 MR. McBIRNEY: Same objections.</p> <p>18 THE WITNESS: I'm not sure I</p> <p>19 understand your question, ma'am.</p> <p>20 BY MS. GOODMAN:</p> <p>21 Q. How do you actually decide how much</p> <p>22 money goes in each channel?</p>	<p>1 channel inform your decision on how to allocate</p> <p>2 the budget?</p> <p>3 A. The efficiency of each channel helps</p> <p>4 us to understand how the intending audience is</p> <p>5 responding to and interacting with that</p> <p>6 channel. The better the efficiency, the better</p> <p>7 the result for the army and the closer we get</p> <p>8 to achieving our lead and contract goals.</p> <p>9 Q. When you say "the better the</p> <p>10 efficiency," is that another way of saying the</p> <p>11 lower cost per metric?</p> <p>12 MR. McBIRNEY: Object to form.</p> <p>13 THE WITNESS: The lower the cost the</p> <p>14 better.</p> <p>15 BY MS. GOODMAN:</p> <p>16 Q. So the lower the cost per metric,</p> <p>17 whether it be cost per contract or cost per</p> <p>18 lead, the more efficient the channel is; is</p> <p>19 that accurate?</p> <p>20 MR. McBIRNEY: Object to form.</p> <p>21 THE WITNESS: In general, the lower</p> <p>22 the cost per lead the lower the cost per</p>
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<p>1 A. The determination of how much to</p> <p>2 invest in each channel is made based on the</p> <p>3 ability of the channel to contribute to the</p> <p>4 overall result the army is trying to achieve.</p> <p>5 Channels that are inefficient or nonproductive</p> <p>6 are reduced or eliminated and channels that are</p> <p>7 efficient and productive can be scaled.</p> <p>8 Q. When you say -- this is the second</p> <p>9 time I think you referred to efficiency or --</p> <p>10 what do you mean by that?</p> <p>11 A. In general the efficiency that I am</p> <p>12 referring to is the cost per metric that is</p> <p>13 used for whatever level the funnel. In general</p> <p>14 we are looking for efficiency in terms of cost</p> <p>15 per contract and cost per lead.</p> <p>16 Q. Do you compare the cost per contract</p> <p>17 across channels to make a determination of what</p> <p>18 channel to use in the future?</p> <p>19 A. The efficiency of each channel is</p> <p>20 analyzed and helps to inform the decision of</p> <p>21 how to allocate our budget.</p> <p>22 Q. And how does the efficiency of each</p>	<p>1 contract the better the channel has performed.</p> <p>2 BY MS. GOODMAN:</p> <p>3 Q. And the more efficient the channel</p> <p>4 is?</p> <p>5 A. In this case, yes, the more</p> <p>6 efficient that the channel has performing.</p> <p>7 Q. So do you look at the cost per</p> <p>8 metric across channels; print, out of home,</p> <p>9 digital, social and see which one has a lower</p> <p>10 cost per channel when making decisions about</p> <p>11 where to spend advertising dollars?</p> <p>12 MR. McBIRNEY: Objection. Form.</p> <p>13 THE WITNESS: We do look at the</p> <p>14 historical performance in terms of efficiency</p> <p>15 across channels.</p> <p>16 BY MS. GOODMAN:</p> <p>17 Q. And why do you look at the</p> <p>18 historical performance in terms of efficiency</p> <p>19 across channels?</p> <p>20 A. It allows us to be good stewards of</p> <p>21 taxpayer dollars and to ensure we are</p> <p>22 efficiently using the budget that has been</p>

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<p style="text-align: right;">Page 102</p> <p>1 BY MS. GOODMAN:</p> <p>2 Q. Why is it important for the army to</p> <p>3 be able to attribute to more than just the last</p> <p>4 touch?</p> <p>5 A. If we attributed only to the last</p> <p>6 touch that would skew the data in terms of</p> <p>7 channel performance. More than likely it would</p> <p>8 skew it toward a predominance of an investment</p> <p>9 and search.</p> <p>10 Q. Why is it important not to skew the</p> <p>11 data in terms of channel performance?</p> <p>12 A. It's important because we know that</p> <p>13 our audience is not just on search. They are</p> <p>14 on multiple channels and are encountering the</p> <p>15 media in multiple ways.</p> <p>16 Q. Okay. So this Exhibit 88 it is</p> <p>17 attaching a Paid Media Tactical Recommendation</p> <p>18 Presentation from October of 2021 and I am</p> <p>19 looking at the attachment line on the first</p> <p>20 page of the e-mail, correct?</p> <p>21 A. Give me one second, ma'am. It</p> <p>22 actually -- I don't know if you attached both</p>	<p style="text-align: right;">Page 104</p> <p>1 I believe it was Colonel Horning, but if that's</p> <p>2 correct that would have included Colonel</p> <p>3 Horning, Mr. Mavridis and Major General Fink,</p> <p>4 but this also may have been a brief that went</p> <p>5 to leaders beyond AEMO internal within the</p> <p>6 army.</p> <p>7 Q. Okay. For what time period did you</p> <p>8 report to Colonel Horning?</p> <p>9 A. Yeah, I'm sure -- I can't recall</p> <p>10 exactly, ma'am.</p> <p>11 Q. How about generally?</p> <p>12 A. I honestly can't give you a guess on</p> <p>13 that because it's my recollection that when I</p> <p>14 first took over the position he was -- he was</p> <p>15 not at AEMO. He arrived shortly thereafter I</p> <p>16 believe and he departed -- he changed positions</p> <p>17 before I did so I can't recall general dates</p> <p>18 honestly.</p> <p>19 Q. So who else have you reported -- who</p> <p>20 else did you report to while you were at AEMO</p> <p>21 other than Colonel Horning?</p> <p>22 A. Lieutenant Colonel Shannon Johnson.</p>
<p style="text-align: right;">Page 103</p> <p>1 of them so what is attached to this e-mail is a</p> <p>2 kind of an abridged version of the full</p> <p>3 presentation that was meant for briefings with</p> <p>4 senior leaders and then a full presentation</p> <p>5 that is much longer, maybe five times longer.</p> <p>6 Q. Was it common for DDB to prepare an</p> <p>7 abridged version and a full version for AEMO?</p> <p>8 MR. McBIRNEY: Objection.</p> <p>9 Foundation.</p> <p>10 THE WITNESS: Yes, I wouldn't say it</p> <p>11 was unusual.</p> <p>12 BY MS. GOODMAN:</p> <p>13 Q. Why -- why did -- from your point of</p> <p>14 view what was the purpose of having an abridged</p> <p>15 version and a full version?</p> <p>16 A. Senior leadership doesn't want to</p> <p>17 read 108 slides.</p> <p>18 Q. Are senior leaders -- when you say</p> <p>19 "senior leaders," who are you referring to?</p> <p>20 A. In this case I would be referring to</p> <p>21 the AEMO leadership that was above me. I can't</p> <p>22 recall who was my direct report at this time.</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. Anybody else?</p> <p>2 A. You are speaking specifically as my</p> <p>3 time as branch chief?</p> <p>4 Q. No, throughout your tenure at AEMO?</p> <p>5 A. At AEMO?</p> <p>6 Q. Yeah.</p> <p>7 A. I first reported to Lieutenant</p> <p>8 Colonel Dave Culver when I arrived. My next</p> <p>9 leader would have been Colonel Horning and then</p> <p>10 Lieutenant Colonel Johnson.</p> <p>11 Q. And Lieutenant Colonel Johnson took</p> <p>12 over Colonel Horning's role; is that accurate?</p> <p>13 A. That is correct.</p> <p>14 Q. Okay. You see that this e-mail is</p> <p>15 coming from Elizabeth Bridenstine. Do you see</p> <p>16 that?</p> <p>17 A. Yes. It appears that Beth from OMD</p> <p>18 sent this e-mail.</p> <p>19 Q. What is OMD?</p> <p>20 A. OMD is the media subcontractor that</p> <p>21 works for DDB.</p> <p>22 Q. Is there a contract between the army</p>

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<p style="text-align: right;">Page 106</p> <p>1 and OMD to your knowledge?</p> <p>2 MR. McBIRNEY: Objection. Calls for</p> <p>3 legal conclusion.</p> <p>4 THE WITNESS: To my knowledge, the</p> <p>5 army's contract is with the prime contractor</p> <p>6 which is DDB.</p> <p>7 BY MS. GOODMAN:</p> <p>8 Q. Are you aware of any contract terms</p> <p>9 between DDB and OMD?</p> <p>10 A. I'm not privileged to those contract</p> <p>11 terms.</p> <p>12 Q. When you were a COR did you ever</p> <p>13 come to learn of any contract terms between DDB</p> <p>14 and OMD?</p> <p>15 A. I did not.</p> <p>16 Q. To your knowledge, is a contracting</p> <p>17 officer aware of the terms of any agreement</p> <p>18 between OMD and DDB?</p> <p>19 MR. McBIRNEY: Objection. Calls for</p> <p>20 speculation. Also vague.</p> <p>21 THE WITNESS: I'm unaware of that,</p> <p>22 ma'am.</p>	<p style="text-align: right;">Page 108</p> <p>1 the army come through DDB as DDB is the prime</p> <p>2 contractor.</p> <p>3 Q. You have described OMD as a</p> <p>4 subcontractor. How do you know OMD is a</p> <p>5 subcontractor?</p> <p>6 MR. McBIRNEY: Objection based on it</p> <p>7 calls for legal conclusion.</p> <p>8 THE WITNESS: DDB provides a list of</p> <p>9 partners that they work with. In this case, a</p> <p>10 subcontract that provide a variety of services</p> <p>11 for the army.</p> <p>12 BY MS. GOODMAN:</p> <p>13 Q. How do you know that there is a</p> <p>14 subcontract between DDB and OMD?</p> <p>15 MR. McBIRNEY: Objection. Calls for</p> <p>16 legal conclusion and speculation.</p> <p>17 THE WITNESS: I have not seen said</p> <p>18 contract. To my -- to my understanding, the</p> <p>19 appropriate term from OMD was a subcontractor.</p> <p>20 BY MS. GOODMAN:</p> <p>21 Q. And what is that understanding based</p> <p>22 on?</p>
<p style="text-align: right;">Page 107</p> <p>1 BY MS. GOODMAN:</p> <p>2 Q. Okay. So in this Exhibit 88 we are</p> <p>3 looking at, Beth is writing: "We are pleased</p> <p>4 to share the final FY22 tactical media</p> <p>5 recommendation." That is her first sentence.</p> <p>6 Do you see that?</p> <p>7 A. I do.</p> <p>8 Q. Okay. What -- after DDB, or, I</p> <p>9 guess, in this case -- well, strike that.</p> <p>10 Who prepares the tactical media</p> <p>11 recommendation; DDB or OMD?</p> <p>12 MR. McBIRNEY: Objection.</p> <p>13 Foundation.</p> <p>14 THE WITNESS: I would say it's fair</p> <p>15 to say that OMD is the primary preparer of the</p> <p>16 tactical recommendation under the supervision</p> <p>17 of DDB.</p> <p>18 BY MS. GOODMAN:</p> <p>19 Q. How do you -- on what knowledge or</p> <p>20 experience are you basing that testimony?</p> <p>21 A. To my knowledge, while OMD is the</p> <p>22 media subcontractor their recommendations to</p>	<p style="text-align: right;">Page 109</p> <p>1 A. The fact that OMD assists DDB by</p> <p>2 providing media services.</p> <p>3 Q. And what did you observe OMD doing</p> <p>4 to assist DDB in providing media services?</p> <p>5 MR. McBIRNEY: Objection.</p> <p>6 Foundation.</p> <p>7 THE WITNESS: OMD participates in</p> <p>8 the entire tactical development process from</p> <p>9 strategic development to tactical planning and</p> <p>10 implementation along with day-to-day</p> <p>11 operations.</p> <p>12 BY MS. GOODMAN:</p> <p>13 Q. Do you know why DDB has OMD</p> <p>14 participate in the tactical development</p> <p>15 process?</p> <p>16 MR. McBIRNEY: Objection. Calls for</p> <p>17 speculation.</p> <p>18 THE WITNESS: They provide -- my</p> <p>19 understanding is that they provide media</p> <p>20 expertise to DDB.</p> <p>21 BY MS. GOODMAN:</p> <p>22 Q. What is that understanding based on?</p>

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<p>1 A. It's based on my time working with</p> <p>2 DDB and OMD.</p> <p>3 Q. Have you ever come to learn why DDB</p> <p>4 relies on OMD to provide the media expertise</p> <p>5 that you have described?</p> <p>6 A. Outside of media being the industry</p> <p>7 that OMD works in, I cannot say that I have</p> <p>8 seen an official document that outlines why.</p> <p>9 Q. Setting aside an official document</p> <p>10 outlining why, have you ever come to learn</p> <p>11 through any means, formally or otherwise, why</p> <p>12 DDB relies on OMD to provide media expertise</p> <p>13 that you have described?</p> <p>14 MR. McBIRNEY: Objection. Asked and</p> <p>15 answered and lack of foundation.</p> <p>16 THE WITNESS: I am trying to think</p> <p>17 of a specific document, but I don't think I</p> <p>18 have a specific document in mind.</p> <p>19 BY MS. GOODMAN:</p> <p>20 Q. Right. My question is not asking</p> <p>21 you to think of a specific document. It could</p> <p>22 have come in the form of a conversation or just</p>	<p>1 process that DDB provides to the army?</p> <p>2 A. So my understanding is that DDB</p> <p>3 provides full service marketing support to</p> <p>4 AEMO. That includes a leadership team that</p> <p>5 works with the army's leadership team to</p> <p>6 develop a core strategy, strategic development</p> <p>7 from there that becomes creative, assets, media</p> <p>8 planning that we have talked about a little</p> <p>9 bit, data analysis, research, and local support</p> <p>10 at the regional and local levels.</p> <p>11 Q. And all of those services that DDB</p> <p>12 provides to AEMO is that under the prime</p> <p>13 contract between army and DDB?</p> <p>14 MR. McBIRNEY: Objection.</p> <p>15 Foundation. And calls for legal conclusion.</p> <p>16 THE WITNESS: There are multiple</p> <p>17 task orders that include all of those services</p> <p>18 that I mentioned and some others as well.</p> <p>19 BY MS. GOODMAN:</p> <p>20 Q. And the task orders to which you are</p> <p>21 referring those are all issued under a primary</p> <p>22 contract, correct?</p>
Page 111	Page 113
<p>1 in the course of your work. I am asking if you</p> <p>2 ever learned why DDB uses OMD to provide media</p> <p>3 expertise?</p> <p>4 MR. McBIRNEY: Same objections and</p> <p>5 assumes facts.</p> <p>6 THE WITNESS: My understanding is</p> <p>7 that DDB uses OMD for media services because</p> <p>8 that is the industry that they specialize in.</p> <p>9 BY MS. GOODMAN:</p> <p>10 Q. What industry to your knowledge does</p> <p>11 DDB specialize in?</p> <p>12 MR. McBIRNEY: Objection. Vague.</p> <p>13 And calls for speculation.</p> <p>14 THE WITNESS: The honest answer is I</p> <p>15 didn't spend a lot of time concerning myself</p> <p>16 with what DDB specialized in. However, a</p> <p>17 general understanding is the entire marketing</p> <p>18 process is what DDB is providing to the army.</p> <p>19 BY MS. GOODMAN:</p> <p>20 Q. When you say "the entire marketing</p> <p>21 process that DDB is providing to the army,"</p> <p>22 what is included within the entire marketing</p>	<p>1 A. The specifics of how the contract</p> <p>2 breaks down from the original base contract I'm</p> <p>3 unsure of.</p> <p>4 Q. Okay. In your work as a COR you</p> <p>5 understood that task orders are issued under a</p> <p>6 contract, correct?</p> <p>7 A. The task orders were issued annually</p> <p>8 as the contract with DDB for that period of</p> <p>9 performance.</p> <p>10 Q. When you say "as the contract with</p> <p>11 DDB," what do you mean by that?</p> <p>12 A. So the base contract is very general</p> <p>13 and overarching; however, the task order that I</p> <p>14 would be dealing with for national media or</p> <p>15 upfront or local would be more specific to the</p> <p>16 requirements that we had for those activities.</p> <p>17 Q. Got it. And so the base contract</p> <p>18 provides for DDB to provide all of the services</p> <p>19 that you described; is that accurate?</p> <p>20 MR. McBIRNEY: Objection. Calls for</p> <p>21 legal conclusion.</p> <p>22 THE WITNESS: I couldn't speak with</p>

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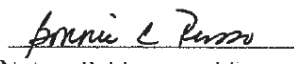
Page 114	Page 116
<p>1 certainty with everything the base contract</p> <p>2 includes.</p> <p>3 BY MS. GOODMAN:</p> <p>4 Q. Have you ever reviewed the base</p> <p>5 contract?</p> <p>6 A. I have reviewed the base contract</p> <p>7 previously.</p> <p>8 Q. Okay. When is the last time you</p> <p>9 remember reviewing the base contract?</p> <p>10 MR. McBIRNEY: I caution the witness</p> <p>11 not to disclose anything that you saw in your</p> <p>12 conversations with counsel. You can answer the</p> <p>13 question independent of conversations and</p> <p>14 communications you had with counsel.</p> <p>15 THE WITNESS: I can't recall the</p> <p>16 exact time frame of when I reviewed the base</p> <p>17 contract, but it's, to the best of my</p> <p>18 knowledge, it's been more than a year or so</p> <p>19 ago.</p> <p>20 BY MS. GOODMAN:</p> <p>21 Q. For what purpose did you review the</p> <p>22 base contract about a year or so ago?</p>	<p>1 Q. Can you describe the process by</p> <p>2 which you provide input to the tactical media</p> <p>3 recommendation?</p> <p>4 A. Again, I would say it goes back to</p> <p>5 the beginning, which is the army's requirement</p> <p>6 for media, making sure there is a clear</p> <p>7 understanding of our lead and contract goals</p> <p>8 and the budget limitations that we have to</p> <p>9 reach those goals. This document looks at the</p> <p>10 tactical plan; however, there is a strategic</p> <p>11 plan that is developed as we talked about</p> <p>12 earlier that outlines channel allocations. The</p> <p>13 tactical recommendation input is really</p> <p>14 iterative. Depending on the year we would have</p> <p>15 multiple review sessions with DDB where we</p> <p>16 would review each -- each slide, each</p> <p>17 recommendation, each channel, each partner to</p> <p>18 ensure that the end product is what we want to</p> <p>19 see. And that -- that input typically would</p> <p>20 come from our team in a consolidated form that</p> <p>21 would outline changes that army required to the</p> <p>22 deck as it had been presented by DDB.</p>
Page 115	Page 117
<p>1 A. I reviewed the base contract for a</p> <p>2 general baseline of what is included in that</p> <p>3 document.</p> <p>4 Q. And so is it accurate that in order</p> <p>5 for DDB to provide the full service marketing</p> <p>6 support to AEMO that you described various task</p> <p>7 orders are issued under the base contract</p> <p>8 enabling them to do so?</p> <p>9 MR. McBIRNEY: Objection. Calls for</p> <p>10 legal conclusion and lack of foundation.</p> <p>11 THE WITNESS: I know there are</p> <p>12 multiple task orders, ma'am; however, my</p> <p>13 familiarity is specifically with the national</p> <p>14 media talent and furnishings upfront and local,</p> <p>15 social and operational infrastructure task</p> <p>16 orders. I can't really speak to the others.</p> <p>17 BY MS. GOODMAN:</p> <p>18 Q. Okay. So looking back at Exhibit 88</p> <p>19 do you provide input on the national media and</p> <p>20 tactical recommendation to OMD or DDB?</p> <p>21 A. I do provide input. My team</p> <p>22 provides input.</p>	<p>1 Q. Now when you say changes that the</p> <p>2 army required to the deck, is that what is sort</p> <p>3 of listed in these bullets in the e-mail?</p> <p>4 A. Give me a second to review these.</p> <p>5 Q. Sure.</p> <p>6 A. So after reviewing the first page of</p> <p>7 what you provided here, I would have to see any</p> <p>8 additional correspondence that went along with</p> <p>9 this. To the best of my knowledge, these look</p> <p>10 to be responses to AEMO input that was outlined</p> <p>11 by page or by slide.</p> <p>12 Q. Okay. So if we look at the first</p> <p>13 page of the exhibit at Bates ending 68, when I</p> <p>14 say Bates I am looking at the little number on</p> <p>15 the right-hand side of the page, let's go just</p> <p>16 to the very bottom, Slide 8/9.</p> <p>17 The second bullet says: "AEMO</p> <p>18 requested to add in impressions, visits, leads</p> <p>19 and contracts."</p> <p>20 Do you see that?</p> <p>21 A. I see that.</p> <p>22 Q. Okay. And the last bullet says:</p>

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<p style="text-align: right;">Page 118</p> <p>1 "AEMO asked to change black/gray shading back</p> <p>2 to color."</p> <p>3 Do you see that?</p> <p>4 A. I see that.</p> <p>5 Q. Okay. So what is your best</p> <p>6 understanding of what those two bullets I just</p> <p>7 read to you reflect with respect to any</p> <p>8 requirements that the army put on the</p> <p>9 contractor with respect to the tactical media</p> <p>10 presentation?</p> <p>11 MR. McBIRNEY: Object to form and</p> <p>12 foundation.</p> <p>13 THE WITNESS: Can you clarify how</p> <p>14 you are using the term requirements here? What</p> <p>15 are you speaking it?</p> <p>16 BY MS. GOODMAN:</p> <p>17 Q. I am using it how you used it</p> <p>18 earlier. You said the army tells them, I</p> <p>19 think, of required changes to be made; is that</p> <p>20 accurate? Am I remembering your testimony</p> <p>21 correctly?</p> <p>22 A. I may have used it multiple ways.</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. Let's go to Page 275 of the exhibit.</p> <p>2 And on this slide is the army's marketing</p> <p>3 funnel presented?</p> <p>4 MR. McBIRNEY: Objection.</p> <p>5 Foundation.</p> <p>6 THE WITNESS: On this slide a</p> <p>7 version of the marketing funnel is presented.</p> <p>8 BY MS. GOODMAN:</p> <p>9 Q. Are you aware of any other versions</p> <p>10 of the marketing funnel that the army uses?</p> <p>11 MR. McBIRNEY: Object to form.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. GOODMAN:</p> <p>14 Q. What is the difference between the</p> <p>15 marketing funnel depicted on this slide ending</p> <p>16 in 275 compared to other versions of the</p> <p>17 marketing funnel that you recall?</p> <p>18 MR. McBIRNEY: Object to form.</p> <p>19 THE WITNESS: Presentation and</p> <p>20 information provided. I think if you look</p> <p>21 further in the deck, 279, 280 have different</p> <p>22 versions of the marketing funnel, 281.</p>
<p style="text-align: right;">Page 119</p> <p>1 Requirements, again, at the start of this</p> <p>2 process include the outline from AEMO of our</p> <p>3 lead and contract requirements. You are</p> <p>4 talking specifically about changes to the</p> <p>5 document?</p> <p>6 Q. I am talking about whether --</p> <p>7 earlier you testified that input would come</p> <p>8 from your team in a consolidated form that</p> <p>9 would outline changes that the army required to</p> <p>10 the deck as it had been presented by DDB.</p> <p>11 And I guess my question to you sir</p> <p>12 is whether these bullets I have just read to</p> <p>13 you are the consolidated feedback that would</p> <p>14 outline changes the army required to the deck?</p> <p>15 MR. McBIRNEY: Object to form. Lack</p> <p>16 of foundation.</p> <p>17 THE WITNESS: To answer that</p> <p>18 completely I would have to see the feedback</p> <p>19 that was provided by AEMO. This is just the</p> <p>20 e-mail from DDB. There should be some</p> <p>21 correspondence from AEMO that outlines changes</p> <p>22 that we required.</p>	<p style="text-align: right;">Page 121</p> <p>1 BY MS. GOODMAN:</p> <p>2 Q. Is the marketing funnel depicted on</p> <p>3 each of the pages that you mentioned sort of</p> <p>4 conceptually the same and just different ways</p> <p>5 of presenting the same kind of information?</p> <p>6 MR. McBIRNEY: Object to form.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MS. GOODMAN:</p> <p>9 Q. Help me understand the difference</p> <p>10 between the marketing funnel as depicted on 275</p> <p>11 compared to 279, 280, 281?</p> <p>12 A. So the marketing funnel presented on</p> <p>13 275 really speaks to the audience strategy in</p> <p>14 this case that we were pursuing for this year.</p> <p>15 They are defined here as COR and growth</p> <p>16 segments and it breaks down from the top of the</p> <p>17 funnel; generate awareness, create interest and</p> <p>18 educate, to the lower funnel obtain contract</p> <p>19 information. The subsequent examples I</p> <p>20 discussed on 279, 280 have the funnel going</p> <p>21 down the left-hand side include different</p> <p>22 channels and outline the investment level for</p>

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<p style="text-align: right;">Page 314</p> <p>1 And, again, we will simply reiterate</p> <p>2 that the 30(b)(6) portion was not prepared to</p> <p>3 start until after 6:00 p.m., and unfortunately,</p> <p>4 the witness was not prepared to go this late</p> <p>5 into the evening, and that was unexpected. But</p> <p>6 that's where we are.</p> <p>7 MS. GOODMAN: And I will also note</p> <p>8 for the record that the witness took an hour</p> <p>9 dinner break when everybody else was prepared</p> <p>10 to move forward into the 30(b)(6) at the</p> <p>11 conclusion of the day.</p> <p>12 MR. McBIRNEY: And I will simply</p> <p>13 note that that is because the witness believed</p> <p>14 that having a dinner break would be helpful for</p> <p>15 his ability to testify.</p> <p>16 Evidently, that has not been how</p> <p>17 things were borne out, but that is why the</p> <p>18 witness had a reasonable dinner hour, asked to</p> <p>19 have dinner before beginning a 30(b)(6) that</p> <p>20 could go as late as three hours longer, which</p> <p>21 at that point would have been 9:00 with no</p> <p>22 food.</p>	<p style="text-align: right;">Page 316</p> <p>1 CERTIFICATE OF NOTARY PUBLIC</p> <p>2 I, Bonnie L. Russo, the officer before</p> <p>3 whom the foregoing deposition was taken, do</p> <p>4 hereby certify that the witness whose testimony</p> <p>5 appears in the foregoing deposition was duly</p> <p>6 sworn by me; that the testimony of said witness</p> <p>7 was taken by me in shorthand and thereafter</p> <p>8 reduced to computerized transcription under my</p> <p>9 direction; that said deposition is a true</p> <p>10 record of the testimony given by said witness;</p> <p>11 that I am neither counsel for, related to, nor</p> <p>12 employed by any of the parties to the action in</p> <p>13 which this deposition was taken; and further,</p> <p>14 that I am not a relative or employee of any</p> <p>15 attorney or counsel employed by the parties</p> <p>16 hereto, nor financially or otherwise interested</p> <p>17 in the outcome of the action.</p> <p>18</p> <p>19 </p> <p>20 Notary Public in and for</p> <p>21 the District of Columbia</p> <p>22 My Commission expires: August 14, 2024.</p>
<p style="text-align: right;">Page 315</p> <p>1 MS. GOODMAN: Well, I offered you</p> <p>2 snacks, as you recall, and the snacks are here</p> <p>3 in the room, including Kind bars and popcorn</p> <p>4 and Zbars and some super foods called almonds</p> <p>5 and cashews and peanuts.</p> <p>6 MR. McBIRNEY: Let the record</p> <p>7 reflect that I am noticing for the first time,</p> <p>8 as flagged by counsel, that there Zbars,</p> <p>9 peanuts, and snacks characterized by counsel as</p> <p>10 "super foods" of some sort.</p> <p>11 MS. GOODMAN: All right.</p> <p>12 THE VIDEOGRAPHER: The time is</p> <p>13 p.m. we are off the record.</p> <p>14 (Whereupon, the proceeding was</p> <p>15 adjourned at 7:56 p.m.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">Page 317</p> <p>1 Jimmy McBirney Esq</p> <p>2 jimmy.mcbirney@usdoj.gov</p> <p>3 September 6th, 2023</p> <p>4 RE: United States, Et Al v. Google, LLC</p> <p>5 9/1/2023, Lennox Morris (#6074135)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 (erratas-cs@veritext.com).</p> <p>16</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p>